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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 596th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Costa Rica (CRC/C/65/Add.7); written replies of Costa Rica to questions raised in the list of issues (document without a symbol, distributed in the meeting room in Spanish only)

1. At the invitation of the Chairperson, the delegation of Costa Rica took places at the Committee table.

2. Mr. SANABRIA (Costa Rica) said that the Boards for the Protection of Children and Adolescents, which had been referred to at the preceding meeting, were composed of officials of the National Children's Trust and the Ministry of Public Education, as well as of representatives of local government and a minor aged between 15 and 18. The Monitoring Committees for the Protection of Children and Adolescents were composed of members of the community organized in small groups. The documents distributed by his delegation contained a leaflet describing the national system for the protection of children and adolescents, including the Boards for the Protection of Children and Adolescents and the Monitoring Committees in question, as well as the chapter of the Penal Code on sexual offences. Statistics had also been made available to the Committee on births in the country, according to province and the mother's marital status, and they showed an increase in the number of very young girls having children.

3. Depending on the children's reactions, the authorities carried out regular reviews of the way in which information on the rights of the child were presented, particularly those provided for in the Convention, but there was no machinery for direct consultation with children. The suggestion made in that regard by one member of the Committee would be transmitted to the Costa Rican authorities.

4. In respect of the treatment of children in judicial proceedings, national legislation required the courts to take account of the specific needs of children, who were assisted by specially trained technical staff. There was never any direct confrontation between a child and his aggressor.

5. As far as the protection of children was concerned, he referred to the campaign launched in 1999 under the auspices of the Office of the President to protect children from drugs, as well as to the campaign to combat the sexual exploitation of children, which would begin in February 2000 and would be reported on by the print and audio-visual media.

6. In connection with measures taken or planned to ensure access for remote and underprivileged communities to basic services, such as clean drinking water and sanitation (question 11 of the list of issues), he said that the Government had formulated large-scale projects for least developed areas on the Atlantic coast and created children's clubs for the protection of water resources.

7. As part of the Government's national solidarity policy, various projects had been launched - including one which was being implemented in the three regions of the north, the

Atlantic coast and the Pacific coast, where socio-economic conditions continued to be precarious - for the purpose of lowering the infant mortality rate by 2 per cent per year. Anti-drug campaigns had also been relaunched in those regions.

8. With regard to question 12 relating, inter alia, to teenage pregnancies, he noted that there were three projects, the first of which had been started several years previously as part of a national health system programme to care for children and adolescents at social risk and covered all aspects of adolescent health. The two others, "Amor Joven" and "Construyendo Oportunidades", which had been launched by the Office of the President in 1998 and 1999, respectively, were based on themes such as sexual education and reintegration into the educational system.

9. In 1999, the legislature had also adopted a provision which created an additional tax on tobacco and alcohol and was designed to finance various social welfare programmes on behalf of teenage mothers and mothers-to-be.

10. With regard to the protection of disabled children (question 13), several hundred specialized classes and some 50 vocational training agencies had been created under the Programme for the Protection of the Rights of Disabled Children and Adolescents.

11. The Social Development and Family Allowance Fund (question 14), whose establishment had made it possible to finance social welfare programmes, would undergo administrative restructuring with a view to improving its effectiveness while it continued to pursue the same objectives.

12. As to question 15, the Costa Rican authorities had been working to guarantee pre-school education for all children in the country, to expand the teaching of foreign languages and information technology, to strengthen the scholarship programme, to improve textbooks and the psychological approach of students, to increase the teaching staff and to provide more resources for education. The educational level of the entire population had improved as a result of the adoption of those measures.

13. Mr. DOEK, referring to table 7 of the report showing the number of births to adolescent mothers, said that he was alarmed by the increase that had taken place from 1990 to 1996, particularly for mothers aged between 15 and 19 years, and would like to have an explanation of those figures. Were pregnant teenagers able to have abortions and, if so, how was that option presented to them?

14. Did the Social Development and Family Allowance Fund pay resources to needy families directly and, if so, why were there still so many children living in poverty in the country? He also asked about the increase in recent years in the number of disabled persons, which was referred to in paragraph 186 of the report.

15. Mrs. MOKHUANE asked whether Costa Rica had set up a psychological support programme to deal with the problem of violence and, in view of the increase in domestic violence and Costa Rica's statement that psychological intervention was a priority, what the ratio of the number of psychologists to the population and the number of doctors to the number of

patients was. That programme seemed to be effective and it would be good to know whether the Children's Ombudsman was dealing with new cases involving persons without access to priority care programmes.

16. Costa Rica indicated that it had psychological support programmes for children suffering from emotional problems, but the lack of statistics on the number of such children was regrettable.

17. Since statistics showed that 6 per cent of children were born to single mothers and that the number of pregnant teenagers continued to increase, she would like to have some information on the effectiveness of the programmes already under way and on possible evaluation studies. Information on sex education programmes would also be welcome because of the large proportion of single adolescent girls giving birth to children in Costa Rica.

18. She would like to have up-to-date figures on the number of people contaminated by pesticides, especially children in rural areas, and asked how the Government intended to deal with that problem.

19. The breastfeeding programme appeared to be working well, but the organizations in charge of it were having difficulties gaining access to hospitals to train mothers. An authorization was necessary and there appeared to be administrative problems. Might measures be taken to facilitate such access? It was regrettable that the organization responsible for promoting breastfeeding was not represented in the National Children's Trust. What action did that organization have to take to remedy that oversight? What means should be taken to overcome the reluctance of hospitals and staff members to let mothers and children be together after childbirth?

20. Mr. RABAH asked how many school drop-outs there had been in 1995 (table 3 of the report) and what measures had been taken by the Government to combat that problem, which could lead to delinquency and unemployment.

21. He noted with satisfaction that Costa Rica had adopted new legislation on adoption, but would like to have some information on the implementation of the 1993 Hague Convention on Intercountry Adoption.

22. Mrs. KARP asked whether the Government of Costa Rica intended to prohibit corporal punishment by law, including at home, and wage a campaign to change the population's attitude and teach other measures. She had been given to understand that such practices would be prohibited at school and wished to know whether there had been complaints about corporal punishment and what the authorities' reaction had been. What did Costa Rica think of countries which had opted for such a legal prohibition of that type of practice?

23. With regard to the family environment, she asked what remedies were possible against decisions by social welfare authorities, especially when a child was taken away from its family or placed in an institution or a psychiatric facility. Could the family appeal against such a decision and, if so, what was the procedure and what possibilities were available to the child?

She also wished to know how much time was needed to determine what type of placement was best for a child removed from the custody of its family and whether special assistance was offered to single-parent families.

24. She asked whether there was a national plan of action for the elimination of violence at school and, if so, to what extent children took part. Were guidelines given to schools and institutions to help dyslexic children, what approach was adopted and were there special examinations and special institutions?

25. It would be useful to know whether a general study had been done on the specific health problems of adolescents from the point of view of the establishment of services, particularly guidance and counselling services.

26. Mrs. RILANTONO asked whether the fact that 40 per cent of children were born to single mothers (table 14 of the core document) was explained by the country's cultural specificity or by the influence of a system of values that was becoming globalized.

27. She wished to know what percentage of the budget the Government spent on education. Noting that many drop-outs occurred between primary and secondary school, she asked whether the causes of that problem had been analysed in Costa Rica and whether it might be attributable to an imbalance in school curricula.

28. The CHAIRPERSON asked whether Costa Rica had awareness-raising campaigns to encourage families to enrol their children in the pre-school system and to explain the importance of that type of schooling.

29. She would like to have additional information on the problem of sexual harassment at school. Costa Rica had adopted legislative and administrative measures, but what happened in practice? Might there be a connection between the high drop-out rate and sexual harassment? What did Costa Rica intend to do to deal with that situation?

30. With regard to juvenile criminal justice, there was a glaring contradiction between institutionalization, legislation and the administrative measures which had been taken, on the one hand, and the problems which continued to exist, on the other. Had there been any change since the drafting of the report?

The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.

31. Mr. SANABRIA (Costa Rica) confirmed that there had been a sharp increase in the number of teenage pregnancies in Costa Rica and that they were expected to rise in 2000. Teenage mothers received full care in health facilities. At present, the trend was towards reintegration in the educational system or towards planning for the future. It was a recent development that pregnant teenagers were no longer excluded from the educational system, but cultural prejudices still existed and there were many drop-outs.

32. Various psycho-sociological and socio-historical studies showed that many mothers were heads of household and had children outside wedlock. The change taking place in the system of

values and the socio-economic model at the international level seemed to influence lifestyles, with the result that women were having children later. In the past 25 years, priority had been given to breastfeeding and better nutrition. Costa Rica had fought against some transnational corporations such as Nestlé, which produced substitute foods and advocated bottle-feeding. The separation of newborns and mothers was a traditional practice in Costa Rican hospitals, but the bond between them was maintained at all times.

33. Abortion was totally prohibited in Costa Rica out of respect for life as from the time of conception. Teenage mothers from underprivileged backgrounds benefited from assistance and, where necessary, could decide on the best option for the adoption of their children.

34. With regard to alternative protection, the child must, to the extent possible, remain with its family. Where that was not possible, he was entrusted to a member of the extended family or placed in a home or an institution. There was a programme of subsidies for foster homes. The NGOs which ran those homes had 5,000 beds for the temporary care of children. The alternative to foster care was adoption, which was possible after a child abandonment declaration had been made. When that solution was chosen, the right of the child to a nationality had to be respected and priority was therefore given to national adoption.

35. Referring to violence, he said that campaigns against domestic violence and violence in general had been going on for only 10 years and had resulted in an increase in the number of complaints of intra-family violence, particularly for the corporal punishment of children. Corporal punishment was part of Costa Rica's culture and was used as a teaching method in schools, with the parents' consent. In recent years, there had been discussions about that practice, which was nevertheless heavily criticized, as shown by the increase in the number of complaints by children and adolescents against teachers and principals for corporal punishment, psychological ill-treatment and arbitrary measures. From May 1998 to May 1999, the Children's Ombudsman had dealt with 120 individual complaints.

36. In view of the rise in the number of complaints by children about violence at school and in the family, activities were being carried out, particularly in schools, to inform children of their rights. Two free telephone numbers, which could be called 24 hours a day, seven days a week, had been made available for emergencies.

37. With regard to medical services, about which statistics would be communicated later, he recalled that the public health system covered 95 per cent of the population and that there was a very large number of doctors and psychologists. Children, regardless of nationality, benefited from special programmes and completely free health care. There were no specific data on disabled children, but activities were organized for them by the Ministry of Health in cooperation with international agencies. In addition, epidemiological monitoring programmes were being carried out in high-risk areas, particularly those where children worked.

38. The Social Development and Family Allowance Fund, whose resources came from income tax, was used to finance assistance programmes for small enterprises and cooperatives run by women heads of household, as well as programmes for housing construction and assistance to needy families. The beneficiaries were usually designated by the competent bodies or had requested assistance directly.

39. Although it was an example for Latin America, the quality of education in the Costa Rican system had not always been good, and that had led to a decline in school attendance. Particular measures had been taken, inter alia, to improve the quality of textbooks and teaching methods, to train teachers and to strengthen infrastructures. Studies on drop-outs indicated that socio-economic conditions were not the only cause and that factors such as the interest of children in studies and the difficulties they encountered, as well as possibilities of access to educational establishments, played an important role. Violence at school did not seem to be the main cause of dropping out. In that connection, the increase in the number of complaints filed in connection with cases of harassment and ill-treatment by teachers or other students gave a better idea of the situation that would facilitate the adoption of harsh countermeasures.

40. The Ministry of Justice had taken steps concerning alternatives for prison terms applicable to juvenile delinquents. For minors below the age of criminal majority (12 years), the National Children's Trust was responsible for providing social and psychological assistance. In addition to prevention activities and the opening of a juvenile detention centre, various measures had been taken to establish a specialized court and to ensure that all cases of offences committed by minors were heard by juvenile judges so that the best interests of the child were always taken into consideration.

41. Mr. DOEK, noting that the report did not contain any data on cases of torture and police brutality and that the Children's and Adolescent's Code did not clearly prohibit such practices, asked who children could turn to to file a complaint, if necessary. He also wished to know what was happening with the implementation of the new Juvenile Criminal Justice Act and the measures referred to in paragraph 165 of the report. In that connection, he considered that the three-day time limit for appealing a ruling was much too short and would like some explanations about it. He also asked whether there were any special programmes to combat child prostitution and whether bilateral agreements had been concluded with other Governments to put an end to sex tourism. What on-the-spot measures were being taken to monitor child labour and did Costa Rica intend to ratify ILO Convention No. 182 on the worst forms of child labour?

42. Mrs. KARP asked what remedies were available to children to challenge an administrative decision concerning their placement, how long a child had to wait before being placed and what problems arose in that regard. She also wished to know whether the Government was going to try again to have legislation enacted to prohibit the exploitation of children for pornographic purposes.

43. With regard to juvenile justice, she asked whether there were any juvenile courts outside the capital and police units specializing in inquiries relating to children. She would like to know how many juvenile detention centres there were and what kind of training activities were provided for the staff, particularly in respect of psychological monitoring. Because of the large percentage of children in pre-trial detention, she had some doubts about the objectivity of the criteria used to determine whether a minor's conduct was dangerous enough for him to be put on trial. She also wished to know how Costa Rica went from theory to practice in the implementation of the provisions of the Convention, what that actually represented for social workers and juvenile judges, for example, and whether the measures taken had led to changes in the daily lives of children.

44. Mrs. MOKHUANE, noting that the statistics showed an increase in the number of persons with drug and alcohol problems, asked whether there were any psychological treatment and reintegration programmes for such persons. According to outside sources, moreover, disabled persons still had difficulties in gaining access to some buildings, including school buildings, and it would be helpful to know the delegation's opinion on that point. She also asked whether any progress was being made on the dialogue between the representatives of official departments responsible for promoting breastfeeding and their NGO counterparts.

45. Mr. RABAH, welcoming the setting up of telephone hotlines enabling children to report cases of abuse, said that he would like to have statistics on how many complaints of that kind had been made. He would also like to have information on street children, a problem about which the report said nothing.

46. He asked whether juvenile delinquents could benefit from reintegration and post-prison assistance services, whether they had access to legal assistance in detention centres, whether they were kept separately from adults while awaiting trial and whether the persons they had to deal with in the juvenile justice system were properly trained.

47. Mr. SANABRIA (Costa Rica) said that, so far, juveniles were still tried by ordinary courts, but the plan to establish a juvenile court would take shape in 2000. One of the greatest challenges the Ministry of Justice had faced had been to establish the material and legal infrastructure to bring Costa Rica into line both with the Convention and with its new Children's and Adolescent's Code.

48. Minors were kept separately from adults in all cases. Great progress had been made in recent years. The tendency was thus to impose penalties to replace deprivation of freedom. Moreover, persons in conflict with the law and persons who were a risk to society, such as street children, who had previously been held together in the same place, were now detained in separate premises. The consideration of a complaint about conditions of detention took two to three months.

49. In reply to Mr. Doek, he confirmed that unlike the offence of police brutality, the offence of torture was not provided for in the legislation. Although torture was not common in Costa Rica, some cases had unfortunately been reported. One of the best known was now being tried for the second time, after the first trial had ended in the release of the offenders and the first judgement had been overturned by the Court of Cassation. Costa Rica was a party to the Convention against Torture.

50. The institution with which complaints were to be filed was indicated not in the Children's Code, but in the enabling legislation. Complaints had to be filed with the Prosecutor's Office, either directly or through the National Children's Trust.

51. The figure of 3,000 children subjected to sexual exploitation in the capital, which had been quoted by Mr. Doek, seemed realistic and even slightly low. A pilot project to help street children by offering them group therapy and alternative activities was now underway, but the Government's main work in that area was to negotiate bilateral agreements with other

Governments to enable them to try their nationals for acts of sex tourism committed on Costa Rican soil. The production of pornographic material was an offence under the Penal Code, unlike mere possession of such material, on which legislation still had to be drafted.

52. With regard to child labour, ILO Convention No. 182 on the worst forms of child labour was being considered in parliament and a department of the Ministry of Labour and Social Security was in charge of ensuring that enterprises respected labour legislation, which prohibited the hiring of children aged under 15. When they found that an offence had been committed, the inspectors from that department could file a complaint directly with the Prosecutor's Office. There was also a national plan to combat child labour.

53. Many campaigns to prevent alcohol and drug abuse were being carried out in schools and colleges. A law under which new taxes would be levied on tobacco and alcohol specifically in order to finance prevention programmes had been adopted in December 1999.

54. Mr. DOEK thanked the delegation for its frankness in not denying that problems continued to exist, especially in rural areas and on the outskirts of large towns, and that health and education services were not always available to all children. The other main subjects of concern were street children and the increase in the sexual exploitation of children. The list of measures taken by the Government, particularly legislative measures, was impressive, but emphasis must now be placed on their practical application.

55. The CHAIRPERSON thanked the Government of Costa Rica for the great efforts it had made and for having supported the amendment of article 43 of the Convention to increase the number of members of the Committee from 10 to 18. She encouraged the Government to continue its efforts to reduce the gap between theory and practice, invited it to publish the report under consideration and the conclusions of the Committee's work, which would be communicated to it shortly, and expressed the hope that, for the consideration of Costa Rica's next report, the delegation would not be composed exclusively of men.

The meeting rose at 6.05 p.m.